

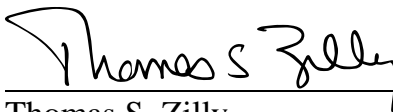
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANDREY KOSTENKO,) CASE NO. C07-0804-TSZ
)
Petitioner,)
)
v.) ORDER DENYING MOTION FOR
) STAY OF REMOVAL AND ORDER
ALBERTO R. GONZALES,) OF DISMISSAL
)
Respondent.)
_____)

The Court, having reviewed petitioner's 28 U.S.C. § 2241 petition, all papers and exhibits in support and in opposition to that petition, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's motion for stay of removal is DENIED, Petitioner's 28 U.S.C. § 2241 petition is DENIED, and this action is DISMISSED without prejudice; and
- (3) The Clerk is directed to send copies of this Order to the parties and to Judge Theiler.

DATED this 26th day of June, 2007.


Thomas S. Zilly
United States District Judge